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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
# **CNR No. DLHC010371272026**  
+ **CRL.M.C. 5889/2026 & CRL.M.A. 24569/2026, CRL.M.A. 24570/2026**

GAURAV SINGH

.....Petitioner

Through: Mr. Jatan Singh, Sr. Adv. with Mr.  
Pankaj Kumar Agarwal, Ms.  
Vanshikha A. Mr. Jashank Srivastava,  
Ms. Nishtha Chawla and Ms. Sanjana  
Dayma, Advs.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Shiv Charan Garg, Mr. Imran  
Khan and Mr. Jahangir Garg, Advs.  
for the complainant.  
Mr. Digam S. Dagar, APP.

**CORAM:**

**HON'BLE MS. JUSTICE MADHU JAIN**

**ORDER**

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**12.08.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking partial quashing of **FIR No. 450/2026** registered at Police Station Burari under Sections 318(4), 329(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS'), insofar as it relates to the Petitioner.

**BRIEF FACTUAL MATRIX**

3. The dispute arises in relation to Plot No. 31 and part of Plot No. 30



situated in Village Burari, Delhi. Respondent No.2/Nidhi Aggarwal claims ownership and possession over the said property. The Petitioner, on the other hand, claims that he had entered into a transaction with Respondent No. 2 in respect of the property and had made certain payments to her.

4. The impugned FIR has been registered on the complaint of Respondent No. 2, wherein the Petitioner has been named along with Priya Singh, Sachin Sharma and Rama Shankar. The complaint alleges collusion amongst the said persons in relation to the property and refers to preparation and use of allegedly forged and fabricated documents, including a Gift Deed, PAN Cards, stamp papers and a cheque. Qua the Petitioner, the complaint specifically refers to a claim of Rs. 8 lakhs stated to have been raised on the basis of the disputed cheque. It is further alleged that the persons named in the complaint acted in conspiracy to grab the property.

5. The Petitioner disputes the allegations and claims that he himself is a victim of the transaction. According to him, he transferred Rs.95,000/- electronically, paid Rs.50,000/- in cash and issued an Axis Bank cheque bearing No. 192593 for Rs.8,00,000/- in favour of Respondent No. 2. The Petitioner has also instituted a civil recovery suit bearing **CS No.DJ-140/2026** against Respondent No. 2.

#### **SUBMISSIONS BY THE PARTIES**

6. Learned Senior Counsel for the Petitioner submits that the impugned FIR is a counterblast to the complaint and civil proceedings initiated by the Petitioner. It is submitted that no specific act of forgery or trespass is attributable to him; that he does not know the other accused persons; and that his presence in open Court in another proceeding cannot constitute criminal



conspiracy.

7. Learned Senior Counsel further submits that the dispute is essentially civil in nature and that the payments made by the Petitioner and the cheque issued by him show that he is himself the aggrieved party. Relying upon ***Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1***, it is also urged that the FIR was registered without any meaningful preliminary inquiry.

8. Learned counsel for Respondent No. 2 opposes the petition and submits that the documents relied upon by the Petitioner are themselves disputed. It is submitted that the genuineness of the cheque and other documents, as also the rival claims concerning the property, require investigation.

9. Learned APP for the State also opposes the petition. He submits that the investigation is at an initial stage and that the role of the Petitioner is required to be investigated along with that of the other accused persons. Learned APP further submits that the Petitioner has adopted a similar modus operandi in other matters as well and is operating along with others as part of an alleged syndicate to grab properties belonging to other innocent persons. It is, therefore, submitted that the role of the Petitioner cannot be examined in isolation and the investigation ought to be permitted to proceed.

### **ANALYSIS AND FINDINGS**

10. This Court has heard learned Senior Counsel for the Petitioner, learned Counsel for Respondent No. 2 and learned APP for the State and has perused the material on record.

11. At this stage, the allegations against the Petitioner cannot be examined merely as an isolated monetary dispute between him and Respondent No. 2. The complaint names several persons and alleges concerted conduct



concerning the same property and the disputed documents. The existence of any conspiracy and the respective roles of the persons named are matters which require investigation.

12. In **C.S. Prasad v. C. Satyakumar & Ors., 2026 INSC 39**, the Supreme Court, while reiterating the scope of jurisdiction for quashing criminal proceedings, observed:

*“22. The jurisdiction under Section 482 of the Cr.PC is extraordinary in nature and is to be exercised with great caution. This Court in catena of judgments has emphasised that the High Court must avoid usurping the function of a trial court or conducting a mini-trial when disputed factual questions attend the maintainability of a complaint. The only requirement is to examine whether the uncontroverted allegations, as contained in the FIR, taken at their face value, disclose the commission of any cognizable offence.”*

13. The Supreme Court further held that the existence or pendency of civil proceedings does not bar criminal prosecution where the allegations disclose the ingredients of a criminal offence.

14. The decision in **Accamma Sam Jacob v. State of Karnataka & Anr. 2026 INSC 362** is also apposite. While dealing with proceedings at a nascent stage, the Supreme Court observed:

*“51. ....Upon a careful perusal of the judgments passed by the High Court i.e., one in the present appeals and the other in the case involving Joseph Chacko as the accused, we find that the reasoning adopted by the High Court in both cases proceeds on substantially identical lines and rests on the same foundational premise, namely, that the dispute between the parties is predominantly civil in nature and that criminal proceedings could not be sustained unless the registered sale deeds were first cancelled by resorting to proceedings under Section 31 of SRA. In such circumstances, the divergence in*



*attribution cannot be a ground to discard the present complaints at the threshold. **On the contrary, the existence of rival narratives in respect of the similar allegations underscores the necessity of a proper investigation to ascertain the identity and role of the persons involved.***

15. The aforesaid principles squarely apply to the present case. The FIR, read as a whole, contains a specific allegation qua the Petitioner concerning the disputed claim of Rs. 8 lakhs and thereafter alleges collusion and conspiracy amongst the persons named therein. The payments relied upon by the Petitioner, the genuineness of the cheque, the rival claims concerning the property and the Petitioner's assertion that he has no connection with the remaining accused are disputed questions of fact. Acceptance of the Petitioner's version would require this Court to choose between competing factual narratives, which is impermissible at this stage.

16. Learned APP has further submitted that the Petitioner has adopted a similar modus operandi in other matters and is allegedly acting in concert with other persons. Though this allegation cannot be treated as an established fact at this stage, the alleged nexus of the Petitioner with the other accused persons and his precise role in the allegations forming part of the FIR require investigation.

17. The investigation is stated to be at an initial stage and the chargesheet has not yet been filed. Segregating the Petitioner from the remaining accused at this stage would necessarily involve determining his individual role before completion of the investigation. Such premature segregation is not warranted.

18. The contention of the Petitioner that no meaningful preliminary inquiry was conducted also does not merit acceptance at this stage. The written complaint forming part of the FIR bears the date 07.06.2026. More



importantly, the police endorsement itself records:

*“DO PS Burari Sir, it is submitted that after preliminary inquiry over the complaints of complainants Smt. Nidhi Aggarwal w/o Sh. Rajneesh Aggarwal & Sh. Rajneesh Aggarwal, the prima facie offence U/S 318(4)/329(4)/61(2) BNS is made out.”*

19. The *tehrir* was thereafter recorded on 07.07.2026 at 22:30 hours. Thus, the record itself reflects that a preliminary inquiry preceded the registration of the FIR. Whether such inquiry was sufficiently exhaustive or “meaningful”, as contended by the Petitioner, cannot be determined merely from the time at which the FIR came to be registered, particularly when the police endorsement expressly records that a preliminary inquiry had been conducted before the offences were found to be *prima facie* made out.

20. Accordingly, no ground is made out for exercise of inherent jurisdiction under Section 528 BNSS. The petition is dismissed. Pending applications, if any, also stand disposed of.

21. It is clarified that nothing stated herein shall be construed as an expression on the merits of the case.

22. The order be uploaded on the website *forthwith*.

**MADHU JAIN, J**

**AUGUST 12, 2026/m**